



IC20 Rec'd PCT/PTO 23 APR 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: L.P. 1825

Applicant : Erich ARMBRUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For: : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-  
YL)-2-[(4-METHYLSULFONYL)PHENYL]ETHANONE

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached hereto, please find:

- (1) Executed power of attorney document (by assignee of ½ entire interest)
- (2) Executed Statement under 37 C.F.R. 3.37(b) (Form PTO/SB/96)
- (3) Executed power of attorney document (by assignee of ½ entire interest)
- (4) Executed Statement under 37 C.F.R. 3.37(b) (Form PTO/SB/96)
- (5) Return receipt postcard

If any additional fees are due upon the filing of this paper, please charge  
Deposit Account No. 06-1110. A duplicate of this Transmittal Letter is attached  
for such purpose.

Respectfully submitted,

April 12, 2002  
Date

Virgil H. Marsh  
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Reg. No. 23,083

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| <p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I certify that this correspondence of <u>April 12, 2002</u><br/>is being deposited with the United States Postal Service as first<br/>class mail in an envelope addressed to: Commissioner for<br/>Patents, Washington, D.C. 20231 on<br/><u>April 12, 2002</u></p> <p align="right"><u>Christen Sabol</u><br/>FISHER, CHRISTEN &amp; SABOL<br/>1725 K Street, NW<br/>Suite 1401<br/>Washington, D.C. 20006</p> |
|--|

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09/868,941



UNITED STATES DEPARTMENT OF COMMERCE  
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L.P. 1825

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|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|----------------------|-----------------------|------------------|

5071

PCT/EP00/00240

INTERNATIONAL APPLICATION NO.

VIRGIL H MARSH  
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SUITE 1401  
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WASHINGTON DC 20006

I.A. FILING DATE 1/13/99 PRIORITY DATE 1/14/99

08/14/01

DATE MAILED:

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☒ a non-English language.  
☐ English.

- ☒ Translation of the international application into English.  
☒ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 16 JUL 2001 and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. UNEXECUTED  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3736

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